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**BY ECF**

Hon. Laura Taylor Swain  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Nunez, et al., v. City of New York, et al.*, 11 Civ. 5845 (LTS) (JCF)

Dear Judge Swain:

This firm, together with The Legal Aid Society Prisoners' Rights Project and Emery Celli Brinckerhoff & Abady LLP (collectively, "Class Counsel"), is counsel for the Plaintiff Class in this action. We write this letter, on behalf of Class Counsel, in response to Ms. Hanna Baek's letter to the Court (Dkt. No. 237), written on behalf of her firm's client Erick Wallace (the "Letter"). Class Counsel were surprised that the Letter's issues were raised with this Court at this time. We respectfully submit that those issues need not be addressed in this action at tomorrow's hearing, in light of Class Counsel's email communications with Ms. Baek (attached as Exhibit A hereto), which make clear that there is no pressing need to address the Letter's issues because of: (i) the assurance given by Class Counsel that none of their discovery materials or database in this action will be destroyed imminently, and that they will give the Letter's authors 14 days' notice before that changes, and (ii) the concession by the Letter's authors that they are not objecting to the Consent Decree that is before this Court for final approval tomorrow. Moreover, the Letter raises issues involving discovery in a discovery-stayed case pending before another member of the Court (copies of correspondence to Magistrate Judge Pitman in that case, from the Letter's authors, and counsel for The City of New York, are attached as Exhibit B hereto). In light of the foregoing, we will not burden the Court at this point with the various procedural and substantive questions that the Letter implicates, but suggest instead that we submit a response, on a schedule to be agreed to, after Magistrate Judge Pitman rules on the pending discovery issues before him, or at such other time as this Court deems appropriate.

Class Counsel look forward to appearing before this Court tomorrow for the final approval hearing.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "William I. Sussman", followed by a stylized flourish or initials.

William I. Sussman

Copy (by ECF, w/encls.) to: Counsel of Record  
Copy (by email, w/encls.) to Ms. Hanna Baek